

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON MAY 7, 2003**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
William Hoffman  
Walter Montgomery, Secretary

**Member Absent:** Jay Jenkins

**Also Present:** Lino Sciarretta, Village Counsel  
Brenda Livingston, Ad Hoc Planning Board Member  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Jan Blaire, Environmental Conservation Board  
Applicants and other persons mentioned in these Minutes

**IPB Matters**

**Considered:**

- 01-26 – Danfor Realty – Harriman Road**  
Sht. 13B, Lot P-5, P-5C
- 02-11 – Geraldine McGowan-Hall – 200 Mountain Road/Hermits Road**  
Sht. 11, Lot P-7J
- 02-44 - Westwood Development Associates, Inc.**  
Lot 4
- 03-07 – William Horwitz – 9 Hudson Road East**  
Sht. 15, Lot P-121C
- 03-08 – Lawrence Siegel & Susan Papano – 54 Manor Pond Lane**  
Sht. 12B, Lot P-16
- 03-13 – Michael & Christine Brennan – 110 East Sunnyside Lane**  
Sht. 10, Lot P-13A
- 03-14 – William & Lea Richardson – 12 Woodbine Road**  
Sht. 7A, B. 236, Lot 5
- 03-16 – Paul & Angela Schaefer – 7 Langdon Avenue**  
Sht. 15, Lot P-119G
- 03-18 – Matthew Pearson – 81 Riverview Road**  
Sht. 10C, B. 226, Lot 21B
- 03-19 – Storm & Debbie Field – 105 Riverview Road**  
Sht. 10, Lot P-21D2
- 03-20 – Carol Santini – River House, North Buckhout Street**  
Sht. 4, B. 203, Lot 32
- 03-21 – Daniel & Barbara Budasoff – 9 Riverview Terrace**  
Sht. 10D, B. 241, Lot 15A
- 03-22 – Ante & Sylvia Marusic – 60 Hudson Avenue**  
Sht. 10B, B. 230, Lot 22C
- 03-23 – Marc & Judith Kleber – 31 Jaffray Court**  
Sht. 7C, B. 250, Lot 7

**Off Agenda:**

**02-05 – C.M. Pateman & Associates Inc./Nicodemus – 200 Mountain Road**  
Sht. 11, Lot P-27J

**03-15 – Vincent DeSantis – 64 West Clinton Avenue**  
Sht. 7B, B. 249, Lot 7A

The Chairman called the meeting to order at 8:05 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

The Board did not consider this item as the application involves development beyond the 2,500 sq ft limitation permitted for Planning Board consideration under the 2003 Interim Development Law of the Village of Irvington. The applicant was informed a waiver from the Board of Trustees would be necessary before Planning Board consideration. Mr. Mastromonaco memorandum of May 7, 2003 was provided to the Applicant.

Mr. Padriac Steinschneider represented the applicant. Mr. Steinschneider told the Board that he has been addressing issues of drainage and erosion control raised earlier by Mr. Mastromonaco and the Board, and will continue to do so.

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### **Administrative:**

The Chairman and Mr. Hoffman then signed the previously approved IPB Resolution granting Site Development Plan Approval for **Michael Jason Development Corp.** (IPB Matter #02-26). The resolution had been previously signed by Mr. Montgomery and Mrs. Burnett. The Chairman noted that Mr. Jenkins still must sign it as well.

The Chairman also stated that the application of **Abbott House** (IPB Matter #02-03) for review of its special permit will be back on the IPB's agenda for its regular meeting in June.

The Board then set its next regular meeting for June 4<sup>th</sup>.

### **IPB Matter #03-07:**

#### **Application of William Horwitz for Site Development Plan Approval for property at 9 Hudson Road East.**

The Board received a copy of a letter from the Village Administrator, dated March 18, 2003, granting the applicant a waiver from the 2003 Interim Development Law of the Village of Irvington.

Mr. Horwitz and Mr. Andrew Whitelaw, architect, appeared on behalf of the application. The applicant is seeking to construct an in-ground swimming pool, decking and fencing. Plans entitled New In-ground Swimming Pool at Horwitz Residence, prepared by Andrew T. Whitelaw, Architect, dated February 14, 2003 last revised March 12, 2003 were submitted.

Mr. Horwitz said he had submitted a letter from the ZBA (dated April 23, 2003) verifying he had received a variance (for a non-conforming lot) permitting construction of the proposed pool at the rear of his house. Mr. Whitelaw stated that Mr. Mastromonaco's comments in his memorandum of March 5<sup>th</sup> had been addressed. The applicant also submitted what he claimed to be the required survey.

Mr. Marron confirmed that the applicant's fencing and erosion-control plans were satisfactory, and that there was an appropriate engineer's signature on the plans. However, tree protection and correct coverage calculations still need to be indicated on the plans.

The Board determined that the application was otherwise complete, and set a public hearing for June, contingent upon the receipt of the requested materials by May 21<sup>st</sup>.

**IPB Matter #03-08:**

**Application of Lawrence Siegel & Susan Papano  
for Site Development Plan Approval for property  
at 54 Manor Pond Lane**

Mr. Craig Studer, landscape architect, represented the applicants, who are seeking an amendment to their Site Development Plan Approval for the construction of an in-ground swimming pool and spa, and the enlargement of an existing deck.

The Board opened a public hearing on this matter. Mr. Studer reported that the applicants and their neighbor, the Goldsmiths, had amicably discussed plans for screening that would protect the privacy of both parties. They agreed, he said, that the pool should be built prior to their making a mutual decision about the appropriate screening.

Mr. Marron said that the applicant had satisfactorily addressed the issues cited by Mr. Mastromonaco in his memorandum of April 2. There were no public comments, and the Board closed the public hearing.

The Board determined that the Application would be treated as a Type II Action under SEQRA. Upon motion duly made and seconded the Board granted Site Development Plan Approval for plans entitled Siegal/Papano Residence by Studer Design Associates, John Karell, Jr. P.E. dated March 14, 2003, three (3) sheets.

**IPB Matter #02-11:**

**Application of Geraldine McGowan-Hall for Site  
Development Plan Approval for property at 200  
Mountain Road**

The Board received a copy of a letter from the Village Administrator, dated April 18, 2003, granting the applicant a waiver from the 2003 Interim Development Law of the Village of Irvington.

Wayne Timonen, architect, and Dr. Henry Hall appeared on behalf of this continuing application. The applicant is proposing to renovate and expand an existing house and is also proposing to install a drain in the existing driveway and close one of the two driveway entrances.

Mr. Marron stated he had reviewed the application with the County Board of Health, which confirmed that the County had approved the applicant's plans. He provided a list of items that still needed the attention of the applicant, and expressed questions regarding the proposal's compliance with the Village's height limits. The Chairman requested the applicant to resubmit a complete package of plans that address all outstanding engineering issues.

The application was otherwise deemed to be complete, and the Board set a Public Hearing for the June meeting, contingent upon receipt of revised plans addressing all outstanding issues.

**IPB Matter #01-26:**

**Application of Danfor Realty for Subdivision  
Approval for Property adjoining Harriman Road**

Mr. Paul Petretti, civil engineer and land surveyor, appeared on behalf of this continuing application for Preliminary Subdivision Layout and Limited Site Plan Approval of a seven-lot subdivision (two lots of which are already improved).

Mr. Petretti said that he had not provided proper notification of a public hearing because there had been a miscommunication with the local newspaper of record. He also said he still needs to discuss various issues with Mr. Sciarretta. As such, the Board did not hold a public hearing on this matter, but did allow Mr. Pettetti to discuss the application.

Mr. Petretti reviewed a variety of matters pertaining to the application. He said the road work would be completed prior to seeking final site development approval for any individual lot. Discussion of Shady Lane focused on the width of the land to be maintained from Harriman to the proposed cul-de-sac. The Chairman indicated that, for planning purposes at this stage, this should be 25' wide. Mr. Petretti indicated that this would enable the Applicant to transfer the remaining 25' width to the adjoining property owner (Brennan). It was noted, however, that the portion of the land transferred to the Brennans would likely be subject to some manner of easement for future road purposes.

Mr. Petretti said that one option for the right-of-way leading from Park Avenue is to make it 40 feet wide and deed 10 feet to the Naughton family. The Chairman asked that this be evaluated against the road provisions contained in the draft Village Master Plan. He also reiterated his request, made at previous meetings, that the plans show the building envelopes (not just the required zoning setbacks), and confirm that the lots around the cul de sac conform with the zoning ordinance requirements regarding radial projections.

The Chairman noted that the public hearing would be held in June subject to Mr. Petretti complying with the proper public notification requirements and providing the outstanding information that the Board has requested.

**IPB Matter #03-13:**

**Application of Michael & Christine Brennan for  
Site Development Plan Approval or Waiver of  
Such Requirement for Property at 110 East  
Sunnyside Lane**

The Board received a copy of a letter from the Village Administrator, dated May 16, 2003, granting the applicants a waiver from the 2003 Interim Development Law of the Village of Irvington.

Mr. Steven Costa, engineer, and Michael Brennan, appeared on behalf of this application for the construction of an addition to the rear of the house and a second-floor addition on an existing first-floor structure. Plans entitled Proposed Addition 110 East Sunnyside Lane by Steven A. Costa, P.E. dated October 22, 2002, (3) sheets were submitted.

Mr. Costa said the applicant had received the necessary side-yard setback variance from the ZBA. Mr. Mastromonaco's memorandum of May 7<sup>th</sup> asked for information on discharge and drainage plans from the enlarged house, and Mr. Marron said Mr. Mastromonaco needs to approve such plans. The Environmental Conservation Board, in a letter of May 7<sup>th</sup>, expressed concern about plans for tree removal and erosion control. Mr. Costa said no trees are to be removed. Mr. Marron will review the proposed erosion-control measures.

There were no comments from the public. The Board determined that the Application would be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board adopted the following resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application, subject to Mr. Mastromonaco's approval of drainage and discharge plans and to Mr. Marron's review of erosion-control measures.

**IPB Matter #03-14:**

**Application of William & Lea Richardson for Site Development Plan Approval or Waiver of Such Requirement for Property at 12 Woodbine Road**

This application, while subject to the provision of the Interim Development Law of 2003, can be considered by the Planning Board as it involves less than 2500 sq. ft. of new construction.

Mr. Gary Bromley, contractor, and Mr. and Mrs. Richardson appeared on behalf of the application. The applicants are seeking approval for a single-story addition to the south side of the house. Plans entitled, Additions and Alterations, Richardson Residence by John Cotugno, Architect, P.C., revised April 6, 2003 (2) sheets were submitted.

The Chairman emphasized that the large tree on the property, identified by the Richardsons as a beech, needs to be protected. The Environmental Conservation Board, in a letter of May 7<sup>th</sup>, expressed concern about plans for tree removal and erosion control. Mr. Marron said that the tree protection should be positioned at the drip line. He also said that all

of Mr. Mastromonaco's comments in his memorandum of May 7<sup>th</sup> had been satisfactorily addressed and there are no drainage, coverage or environmental issues remaining.

There were no comments from the public. The Board determined this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board voted to adopt the following resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #03-16:**

**Application of Paul & Angela Schaefer for Site Development Plan Approval or Waiver of Such Requirement for Property at 7 Langdon Avenue**

The Board received a copy of a letter from the Village Administrator, dated April 23, 2003, granting the applicants a waiver from the 2003 Interim Development Law of the Village of Irvington.

Andrew Tesoro, architect, and Mr. Schaefer appeared on behalf of the application, which seeks approval for a second-story addition to the Schaefer house and the reconfiguration of an existing addition. Plans entitled Schaefer Residence by Tesoro Architects dated April 23, 2003, (8 sheets) were submitted.

Mr. Sciarretta said the proposed project would be outside the original footprint and therefore a setback variance will be necessary. He added, however, that the Board can move ahead with approval of the plans, subject to the applicants' obtaining the variance, because the proposed setback change is very small and there is virtually no impact on square footage.

The Chairman asked about construction access and its impact on trees; Mr. Marron said it should not be a problem. The Chairman stated that the construction access route should be delineated on the plans.

The Board determined this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board voted to approve, subject to the applicants' receipt of the required variance, the following resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application pending issuance of a variance by the Zoning Board of Appeals.

**IPB Matter #03-18:**

**Application of Matthew Pearson for Site  
Development Plan Approval or Waiver of Such  
Requirement for Property at 81 Riverview Road**

This application, while subject to the provision of the Interim Development Law of 2003, can be considered by the Planning Board as it involves less than 2500 sq. ft. of new construction.

Susan Riordan, architect, appeared for the application, which is for an addition to the kitchen of the Pearson house. Applicant submitted plans entitled Pearson Residence Addition by Susan M. Riordan, AIA, dated April 23, 2003, (4) sheets.

The Chairman confirmed with Ms. Riordan the limited scope of the proposed project. Mr. Marron said it posed no issues. There were no comments from the public.

The Board determined this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board adopted the following resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or



removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #03-19:**

**Application of Storm & Debbie Field for Site Development Plan Approval or Waiver of Such Requirement for Property at 105 Riverview Road**

The Board received a copy of a letter from the Village Administrator, dated March 18, 2003, granting the applicants a waiver from the 2003 Interim Development Law of the Village of Irvington.

Susan Riordan, architect, represented the applicants, who are proposing to construct a detached garage that could accommodate four cars. Plans entitled Field Residence Garage by Susan Riordan, AIA, dated April 23, 2003, (3) sheets were submitted.

The Chairman noted that the application poses various issues, including the positioning of the new garage in the front yard, which is not in compliance with the Zoning Ordinance. Other design elements, including coverage and the proposed retaining wall, were also pointed out as potential issues that would need to be addressed. Given the magnitude of the variances that would be needed, the Chairman indicated that the applicant should go before the ZBA prior to returning to the IPB for further consideration of site plan approval.

This matter was kept on the IPB agenda

**IPB Matter #03-20:**

**Application of Carol Santini for Waiver of Requirements for Site Development Plan Approval for property at River House, North Buckhout Street**

This application, while subject to the provision of the Interim Development Law of 2003, can be considered by the Planning Board as it involves less than 2500 sq. ft. of new construction.

Miguel Palma, architect, and Alex Constantino, architect, as well as Carol Santini, appeared in support of the application. The applicant is seeking to alter an existing outdoor deck into an additional bedroom. Plan entitled Santini Residence by Opacic Architects dated April 22, 2003, (1) sheet was submitted.

The Chairman and Mr. Sciarretta said the applicant needs to provide specific, written verification from the Board of Directors of the River House Condominiums that the proposed project is acceptable to the Board and which states whether such expansion was permitted. Among the issues to be addressed in such a document would be whether the area designated for the applicant's project is common property. In addition, the IPB needs information from the applicant as to whether the construction would: violate any stipulations or restrictions imposed by the original IPB approval of the plans for River House, including, for example, a minimum number of parking spaces based on a calculation of number of bedrooms per unit; obstruct the views of the residents in the condominiums or neighboring residents; or create roof-drainage problems.

The Chairman asked that the applicant submit to Mr. Sciarretta documentation addressing all of the Board's issues (such as original approvals, offering plans, etc.) and review the pertinent elements of the Village Zoning Ordinance. He noted that a parking variance from the ZBA may be required.

The Board continued this matter.

**IPB Matter #03-21:**

**Application of Daniel & Barbara Budasoff for  
Waiver of Site Development Plan Approval for  
property at 9 Riverview Terrace**

This application, while subject to the provision of the Interim Development Law of 2003, can be considered by the Planning Board as it involves less than 2500 sq. ft. of new construction.

Matthew Behrens, architect, represented the applicants, who are seeking to construct a new two-story addition to their house and a new second-story addition above an existing former garage. Plans entitled Addition/Alteration Budasoff Residence by Matthew Behrens dated April 21, 2003, (5) sheets were submitted.

Mr. Marron noted that the proposed project slightly exceeds coverage restrictions. Mr. Behrens said he was aware of the need for a coverage variance.

The Chairman asked that detailed information on erosion control, drainage and limits of disturbance be added to the application. He also stated that, although the applicant must go to the ZBA for a coverage variance, the Board could grant approval for site development at this meeting, in light of the very small increase in coverage that could be created by this project.

There were no comments from the public. The Board determined this application would be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board adopted the following resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site

exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application pending issuance of a variance by the Zoning Board of Appeals.

**IPB Matter #03-22:**

**Application of Ante & Sylvia Marusic for Site  
Development Plan Approval for property at  
60 Hudson Avenue**

This application, while subject to the provision of the Interim Development Law of 2003, can be considered by the Planning Board as it involves less than 2500 sq. ft. of new construction.

Mr. Marusic appeared before the Board in support of this application to replace an existing concrete patio with an elevated concrete patio and also replace an existing fence on the north side of the property with a wall and fence. Plan entitled Proposal for New Patio for the Marusic Residence by Escaladas Associates dated March 7, 2003, (1) sheet was submitted.

The Chairman noted that the Board needs to clarify whether there was a building permit issued for the existing patio. Coverage calculations and a new survey also are necessary, he added. Mr. Marron asked for data to determine what grading changes, if any, would be effected as a result of the project.

The Chairman said Mr. Marusic should meet with Mr. Marron to resolve all issues and ensure proper information is on the plans, including detailed data on the proposed wall. Mr. Marron added that Mr. Marusic needs to provide specific data on the property line, as well as address the concerns expressed in a letter from his neighbor regarding how construction of the wall would proceed without crossing onto their property (which they would prohibit).

Citing issues identified in Mr. Mastromonaco's memorandum of May 7<sup>th</sup>, the Chairman instructed that the site plan be drawn to scale and provide precise setback data. He also said Mr. Marusic should correct any deficiencies in the public notification on this application. In addition, he requested that Mr. Marusic meet with Mr. Marron to discuss unresolved issues regarding modifications of curbing on the applicant's property.

The Board continued this matter.

**IPB Matter #03-23:**

**Application of Marc & Judith Kleber for Site  
Development Plan Approval for Property at  
31 Jaffray Court.**

This application, while subject to the provision of the Interim Development Law of 2003, can be considered by the Planning Board as it involves less than 2500 sq. ft. of new construction.

Padriac Steinschneider of Gotham Design represented the applicants, who are proposing to construct first- and second-floor additions to their home and expand the existing front porch. Plan entitled Site Plan, Kleber Residence by Gotham Design, Ltd, dated April 21, 2003, (1) Sheet, prepared by John Dedyo, P.E., was submitted.

Mr. Steinschneider noted that the footprint of the house is to be reduced, although the cubic footage would be increased. Mr. Marron said the Board needs clarification as to whether a variance had been granted for the existing deck.

Chick Schraeder, an adjoining home owner immediately to the north, expressed major concerns about issues of privacy, quality of life and view blockage that the proposed construction may create. Mr. Steinschneider said he would do a “shadow study” to help determine the impact of the new construction on light and the neighbors’ views. Another resident expressed concern that the proposed structure would be out of character with the neighborhood.

Mr. Steinschneider indicated that he would prepare a sight-line study, as well as a shadow study, and the Chairman requested that he discuss the project with neighbors. The Chairman said that the new construction may pose an issue, even if it is under the legal height limit, because the proposed house could create the visual effect of “massing” and be out of character with the architecture in the neighborhood.

The Board determined that it would be appropriate to solicit input from the Architectural Review Board as the massing and consistency issues are elements that are often addressed by that Board. The Board asked Mr. Steinschneider to work with Mr. Marron in arranging for such appearance.

The Board continued this matter.

**Referrals from the Board of Trustees**

**IPB Matter #03-17:**

**Application of R.E.R. Development Corp. for  
Waiver from Moratorium for Property on East  
Clinton Avenue**

The property received Limited Site Development Plan Approval when considered as part of IPB Matter # 01-41 (adopted May 2002). Ranato E. Rancic of R.E.R. Development

Corp. is now requesting that the Village of Board of Trustees issue a waiver from the 2003 Interim Development Law in order to permit him to pursue Final Site Development Plan Approval for this property. The Board of Trustees referred the waiver request to the IPB for an advisory opinion as to the effect of the proposed project on the Village's Comprehensive Master Plan.

After discussion, the Board, by consensus, determined that the IPB's response to the Village Trustees should suggest that the Trustees consider basing their decision on what action, if any, they may be contemplating with regard to establishing a Floor Area Ratio (F.A.R.) as a result of the adoption of the Master Plan. If they are considering establishing an F.A.R., the IPB would recommend the granting of a waiver only if the project is likely to be below the contemplated maximum ratio applicable to the property. Conversely, if the project is likely to exceed the maximum ratio the Board of Trustees intends to establish, the IPB would recommend that no waiver be granted.

The Chairman indicated that for any future appearance before the IPB, the Applicant should re-examine the grade of the property, the height of the project and how it would appear to observers approaching it on Clinton Avenue. He also indicated that the applicant would need to submit data on the footprint and check the various setbacks for the project.

Any further IPB action on this matter would be contingent upon the Board of Trustees' decision on the applicant's request for a waiver.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Walter Montgomery  
Secretary